

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PHILIP DOMINIC SALVIA,

Plaintiff,

v.

Case No. 14-C-237

ADAM FELL, CHRIS WEISS,
AND DAVID DAVIS, in their
Individual Capacities,

Defendants.

DEFENDANTS' INITIAL RULE 26(a) DISCLOSURES

NOW COME the defendants by their attorneys, J.B. Van Hollen, Attorney General, and Maria S. Lazar, Assistant Attorney General, and make the following initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1):

A. Individuals potentially having knowledge regarding this matter that the defendants may use to support their claims or defenses.

1. Sgt. Adam Fell, Wisconsin State Capitol Police

Wisconsin State Capitol Police
State Capitol Building
Madison, WI

2. Sgt. Chris Weiss, Wisconsin State Capitol Police

Wisconsin State Capitol Police
State Capitol Building
Madison, WI

3. Sgt. David Davis, Wisconsin State Capitol Police

Wisconsin State Capitol Police
State Capitol Building
Madison, WI

4. All other individual Wisconsin Capitol Police Officers on duty on July 24, 2013, from 11:00 a.m. to 2:00 p.m.

5. Representatives from the Department of Administration (“DOA”) regarding the drafting of the statutes and administrative code with respect to the permit system for use of the State Capitol.

6. Individuals from the Legislature, and/or its various bodies, or those individuals on the Legislature’s behalf, who were involved in drafting the statutes and administrative code with respect to the permit system for use of the State Capitol.

7. Individuals from the Legislature, and other individuals who work inside the State Capitol, with respect to the use of the permit system for use of the State Capitol and the impacts from non-compliance with the use of the permit system.

8. Tour guides and other individuals who participate in tours of the State Capitol and have witnessed the impact of compliance and non-compliance with the permit system.

9. Individuals who obtained permits to use the State Capitol over the past few years.

10. Any and all individuals who have filed or otherwise registered complaints regarding the non-permitted uses of the State Capitol from 2010 to present.

11. Experts to be retained on behalf of the defendants who will assist in defending against the allegations in the Complaint.

12. Other individuals whose identity will become known through further discovery.

13. All individuals named by plaintiffs in their Initial Disclosures.

Defendants make these Rule 26 Disclosures based upon the knowledge and information reasonably available to them now. Thus, defendants reserve the right to supplement and/or amend these Disclosures in accordance with the Federal Rules of Civil Procedure, including the identification of additional witnesses and experts in the course of discovery or in response to any other parties' Rule 26 Disclosures. These Disclosures are provided without prejudice to the defendants' right to introduce at a hearing or at trial any evidence that is subsequently discovered.

Finally, pursuant to the Federal Rules, the defendants do not list any of their expert witnesses in this case at this time.

B. Potentially relevant documents.

Defendants may use the following categories of documents to support their defenses in this matter.

1. The Capitol Police Incident Report, citation, and any other contemporaneous police files or memorandum regarding the citation of plaintiff.

2. Documents in the possession of DOA with respect to the implementation of the permit system policy and the relevant administrative code regarding the permit system for use of the State Capitol.

3. Complaint forms regarding non-compliance with the permit system.

4. Capitol Police reports, citations, and videos regarding non-compliance with the permit system.

5. The Legislature's daily journals listing times, dates, and locations of committee and other meetings and hearings held within the State Capitol.

6. Historical and architectural data regarding the design and use of the State Capitol as a designated public forum.

7. All documents produced by plaintiffs in discovery.

8. Defendants expressly reserve the right to supplement this Disclosure with any documents which become known through further discovery.

C. Calculation of damages.

Defendants reserve the right to present rebuttal evidence through their named fact and expert witnesses, as to any damages alleged by the plaintiffs.

D. Insurance agreements.

This provision is inapplicable to the defendants.

Dated this 23rd day of July, 2014.

Respectfully submitted,

J.B. VAN HOLLEN
Attorney General

s/ Maria S. Lazar
MARIA S. LAZAR
Assistant Attorney General
State Bar #1017150

Attorneys for Defendants

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